

In-cell educational services for certain inmates in administrative segregation

HB 47 by Hodge (Hinojosa)

DIGEST: HB 47 would have allowed the Texas Department of Criminal Justice to establish a policy to provide in-cell education for inmates confined in administrative segregation if the inmate would benefit from the education and it could be provided in a way that would not pose a threat to the health or safety of any department staff member or other inmates.

**GOVERNOR'S
REASON FOR
VETO:**

“By permitting the Texas Department of Criminal Justice (TDCJ) to establish a policy to provide in-cell education to certain offenders confined in administrative segregation, House Bill No. 47 would run counter to the purpose of administrative segregation, divert important education resources from other offenders, and highlight concerns the legislature has with educating offenders in administrative segregation.

“Administrative segregation is generally used to punish offenders who are serious behavior problems. Offenders in administrative segregation lose a number of privileges, including participation in educational or vocational classes. I think it is important to remember why offenders are in administrative segregation and to be judicious in how privileges are returned to those offenders.

“In addition, TDCJ estimates that implementation would require additional positions and supplies at a total annual cost of \$2,736,782. I believe these funds are better spent on rehabilitating other, non-violent offenders.

“Finally, it is worth comparing the provisions of the bill with the TDCJ budget rider that prohibits in-cell tutoring for offenders in administrative segregation. While I appreciate the distinction between these programs, it indicates to me that the legislature also has reservations about certain types of in-cell education for offenders in administrative segregation.

“I hope the Board of Criminal Justice and the legislature will consider this matter further because there are some in administrative segregation, like those offenders who are there for their own protection, who should have access to education. Yet, providing education to offenders in administrative segregation must always be balanced against the reason we have administrative segregation.”

RESPONSE: Rep. Terri Hodge, the bill’s author, said: “I am appalled that Gov. Perry chose to veto HB 47 and I think that the people of Texas should be as well. The purpose of HB 47 was to establish an in-cell education program for offenders housed in administrative segregation as a part of the Re-entry and Rehabilitation Program.

“Current law prohibits TDCJ from providing educational classes or materials to offenders housed in administrative segregation regardless of their age, length of sentence, or IQ level. Administrative segregation offenders are also currently excluded from participating in GED classes. In our current prison environment, offenders in

administrative segregation are treated much the same as offenders on death row. They are confined to their 6x10 foot cells, 23 hours a day, and seven days a week. They are allowed one hour per day for recreation and may only leave their cells for showers, medical needs and classification and disciplinary hearings. The one distinct difference, however, is that offenders in administrative segregation will one day be released back into our communities and neighborhoods. In fact, in fiscal year 2006, 1,539 offenders were released directly from administrative segregation back into society.

“Gov. Perry said that, ‘House Bill No. 47 would run counter to the purpose of administrative segregation, divert important education resources from other offenders, and highlight concerns the legislature has with educating offenders in administrative segregation.’ I find this statement shocking for several reasons.

“First, there is no defined purpose for administrative segregation. So for Gov. Perry to say there is one, is false. As of Monday, April 30, 2007, there were 9,338 offenders housed in administrative segregation. Within the next five years 3,175 of those offenders will be released back into society, and within the next 10 years an additional 1,295 offenders will be released. Many of these offenders have no formal education. HB 47 would have attempted to remedy this. Countless studies have shown that the key to stopping recidivism is education. Gov. Perry obviously thinks otherwise.

“Secondly, the governor says in his veto statement that, ‘I believe these funds are better spent on rehabilitating other, non-violent offenders.’ Apparently, the governor is unaware there are many non-violent offenders housed in administrative segregation. It is unfortunate that TDCJ would manufacture a false annual cost of \$2,736,782 for program implementation, supplies, and staffing positions and provide such information to the governor.

“Finally, I was aware of the budget rider which prohibits in-cell tutoring for offenders in administrative segregation. Therefore, I filed HB 47. HB 47 would have allowed offenders in administrative segregation to participate in in-cell literacy programs through self-paced home study educational courses purchased by the offenders, not TDCJ.

“In his closing statement, the governor says, ‘I hope the Board of Criminal Justice and the legislature will consider this matter further because there are some in administrative segregation, like those offenders who are there for their own protection, who should have access to education. Yet, providing education to offenders in administrative segregation must always be balanced against the reason we have administrative segregation.’

“That statement is a slap in the face of every member of the 80th Texas Legislature. I think the governor has forgotten his time he spent in this body and the painstaking process that every bill must go through before it reaches his desk. HB 47 was vetted at every step of the legislative process and was sent to his desk having only two of

181 members voting against it. This Legislature gave full thought and overwhelming approval to this piece of legislation. It's a shame the governor believes we must wait another two years to come to the same conclusion."

Sen. Juan Hinojosa, the Senate sponsor, had no comment on the veto.

NOTES:

HB 47 was analyzed in Part Two of the May 3 *Daily Floor Report*.